

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

TYRELL G. ROSS, KURTUS A. ROSS,
CHAD D. ROSS, DAVID T. ROSS, AND
KIMBERLY K. MICHAEL, et al.,

Plaintiffs,

v.

ROSS ISLAND SAND & GRAVEL CO., an
Oregon Corporation,

Defendant.

No. CV-04-3027-FVS

ORDER

On October 8, 2004, the Court heard oral argument on the Plaintiffs' motion for partial summary judgment. Thereafter, the Court entered an Order, Ct. Rec. 40, which denied in part Plaintiffs' motion and reserved ruling on one issue pending clarification from the Arbitrator. The Court has reviewed the Arbitrator's letter, the related pleadings, and the entire file and is fully advised. Accordingly,

IT IS HEREBY ORDERED:

1. Plaintiffs' Motion for Partial Summary Judgment, Ct. Rec. 16, is **DENIED**.

2. Defendant's Motion to Dismiss, Ct. Rec. 3, is **DENIED**.

IT IS SO ORDERED. The District Court Executive is hereby directed to enter this Order and furnish copies to counsel.

DATED this 12th day of September, 2005.

s/ Fred Van Sickle
FRED VAN SICKLE
UNITED STATES DISTRICT JUDGE